

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                 |   |                                     |
|---------------------------------|---|-------------------------------------|
| <b>UNITED STATES OF AMERICA</b> | : |                                     |
|                                 | : |                                     |
| <b>v.</b>                       | : | <b>CRIMINAL ACTION NO. 06-447-1</b> |
|                                 | : | <b>CIVIL ACTION NO. 11-5192</b>     |
| <b>BRIAN J. NEWMARK</b>         | : |                                     |

**ORDER**

**AND NOW**, on this 21st day of December, 2011, upon consideration of Motion to Vacate Sentence Pursuant to § 2255 (Doc. No.178) and the Government's response thereto (Doc. No. 184), and following a hearing on the motion on November 17, 2011, **IT IS ORDERED** that:

1. Mr. Newmark's Motion to Vacate Sentence Pursuant to § 2255 is **DENIED**;
2. There is no probable cause to issue a certificate of appealability; and
3. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
United States District Judge